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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**ROLL CALL:**

MR. WOJCIK, MR. MAHONEY, MR. JUDGE, MR. DUNNE, MR. KROGH, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

**PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE**

**LOCAL LAWS (INTRO NO. 4, 5,6,7& 8) REFERRED TO PUBLIC HEARING**

**ORDINANCE NO. 1**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AMENDING THE 2004 GENERAL FUND – PLANNING DEPARTMENT BUDGET TO  
ACCEPT FUNDS FOR – US DEPARTMENT OF ENERGY CITY OF TROY- INTEGRATED  
DEPLOYMENT PILOT**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2004 General Fund Planning Department Budget is herein amended as set forth in Schedule A entitled

US Department of Energy City of Troy – Integrated Deployment Pilot Special Grant Fund Project

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, John P. Hicks, Corporation Counsel

**ORDINANCE NO. 1 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE “A” ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 2**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AUTHORIZING TRANSFERS OF HOME PROGRAM FUNDS TO REALLOCATE THE  
FUNDS FOR HOUSING REHABILITATION PROJECTS AND SCHEDULING A PUBIC HEARING ON  
THE PROPOSED TRANSFERS**

The people of the City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy HOME program is hereby amended as set forth in Schedule “A” entitled:

CITY OF TROY HOME PROGRAM TRANSFER

Which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, May 17, 2004,

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 2 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE “A” ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**ORDINANCE NO. 3**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER KROGH**

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE PRIVATE SALE METHOD OF  
CITY-OWNED REAL PROPERTY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 25 ½-8 of the Code of Ordinances, the Bureau of Surplus Property accepted bids as private sale on the hereinafter described property.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: Carl A. & Katherine A. Schell

PURCHASE PRICE: \$150.00

TERMS AND CONDITIONS: 3 – Clean & Maintain

- A. Within thirty (30) days of the effective date of this ordinance, the purchaser shall pay the purchase price, plus advertising cost and payment in lieu of City and School taxes prorated for the time prior to the first tax bill to the purchaser. Water and sewer rent shall be charged to the purchaser from the date of the contract of sale.
- B. Upon payment the purchaser shall execute with the Mayor a conditional sales contract setting forth the conditions of the sale outlined in the proposal and the terms of the sale.
- C. This conveyance is made subject to the condition that it must be cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within six (6) months after the date of the conditional sales contract. If the purchaser, his successor or assigns shall fail to comply with this condition the City of Troy has a right to maintain summary proceedings to evict the purchaser, his successor, or assigns from the premises without refund of any previous payment.
- D. A deed shall be executed and delivered to the purchaser
  - 1. Upon the issuance of a certificate of compliance showing completion of the conditions set forth in the proposal; OR
  - 2. If fee title is a necessary requisite for the purchaser to obtain a building loan mortgage or rehabilitation mortgage, the proceeds of which will be used by the purchaser in satisfying the conditions in paragraph “C” above. Such deed will be delivered only upon the receipt by the City of a contract executed by the purchaser guaranteeing performance of the proposal terms.

Section 4. The said real property is described as follows:

SEE SCHEDULE “A” ATTACHED

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, May 17, 2004

John Hicks, Corporation Counsel

**ORDINANCE NO. 3 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE “A” ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**ORDINANCE NO. 3A**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE PRIVATE SALE METHOD OF  
CITY-OWNED REAL PROPERTY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 25 ½-8 of the Code of Ordinances, the Bureau of Surplus Property accepted bids at private sale on the hereinafter described property.

Section 2. the Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: Emily Rossier

PURCHASE PRICE: \$150.00

TERMS AND CONDITIONS: 3 – Clean & Maintain

- A. Within thirty (30) days of the effective date of this ordinance, the purchaser shall pay the purchase price, plus advertising cost and payment in lieu of City and School taxes prorated for the time prior to the first tax bill to the purchaser. Water and sewer rent shall be charged to the purchaser from the date of the contract of sale.
- B. Upon payment the purchaser shall execute with the Mayor a conditional sales contract setting forth the conditions of the sale outlined in the proposal and the terms of the sale.
- C. This conveyance is made subject to the condition that it must be cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within six (6) months after the date of the conditional sales contract. If the purchaser, his successor or assigns shall fail to comply with this condition the City of Troy has a right to maintain summary proceedings to evict the purchaser, his successor, or assigns from the premises without refund of any previous payment.
- D. A deed shall be executed and delivered to the purchaser
  1. Upon the issuance of a certificate of compliance showing completion of the conditions set forth in the proposal; OR
  2. If fee title is a necessary requisite for the purchaser to obtain a building loan mortgage or rehabilitation mortgage, the proceeds of which will be used by the purchaser in satisfying the conditions in paragraph “C” above. Such deed will be delivered only upon the receipt by the City of a contract executed by the purchaser guaranteeing performance of the proposal terms.

Section 4. The said real property is described as follows:

SEE SCHEDULE “A” ATTACHED

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, May 17, 2004

John Hicks, Corporation Counsel

**ORDINANCE NO. 3A PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE “A” ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**ORDINANCE NO. 4**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE RESCINDING SALES OF CITY OWNED PROPERTIES PREVIOUSLY APPROVED BY  
THE CITY COUNCIL**

The people of the City of Troy, convened in City Council, ordains as follows:

The attached Schedule "A" of sales of City owned properties previously approved by the City Council in which the applicant has either failed to pay the sale price or request an extension of the time to pay, are hereby rescinded.

Approved as to form, May 17, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 4 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE "A" ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 5**

**INTRODUCED BY: COUNCIL MEMBER MESSICK**

**SECONDED BY: COUNCIL MEMBERS ARMET & KROGH**

**ORDINANCE DESIGNATING CERTAIN AREAS OF THE CITY OF TROY AS LOCAL HISTORIC  
DISTRICTS**

The City of Troy, in City Council convened, ordains as follows:

Section 1. That the area of the City of Troy bounded and described as follows shall be designated as a local historic district to be known as the 5<sup>th</sup> Avenue/Grand Street Historic District:

Fifth Avenue and Grand Street from Federal Street to State Street, more specifically bounded by William Street Alley on the west side from Grand Street to State Street; then State Street on the south side; 5<sup>th</sup> Avenue on the east side to Fulton Street, but including 501 Broadway (The Record Building), including 1838 Fifth Avenue (former St. John's Lutheran Church building) and including 515 Fulton Street (former W. & L.E. Gurley Factory building); then Union Street Alley on the east side; then easterly along the backs of properties facing on the south side of Grand Street to 6<sup>th</sup> Avenue; and then westerly along the backs of properties facing on the north side of Grand Street to 5<sup>th</sup> Avenue; then along 5<sup>th</sup> Avenue and Grand Street to William Street Alley.

Section 2. That the area of the City of Troy bounded and described as follows shall be designated as a local historic district to be known as the Fourth Street Historic District:

Fourth Street from Grand Street to Ferry Street, more specifically bounded by William Street Alley on the east side from Grand Street to Ferry Street, but excluding 130 Fourth Street (Keybank building) and including 101-105 Ferry Street; then west along Ferry Street to Church Street Alley; then north along Church Street Alley to Broadway, then east along Broadway to Fourth Street; then north along Fourth Street to Grand Street; then east along Grand Street to William Street Alley.

Section 3. That the area of the City of Troy bounded and described as follows shall be designated as a local historic district to be known as the Third Street Historic District:

Third Street from Broadway to Washington Street, more specifically bounded by Church Street Alley on the east side from Broadway to the Washington Park Historic District; then west along the Washington Park Historic District to Franklin Street Alley; then north along Franklin Street Alley to Broadway; then east along Broadway to Church Street Alley.

Section 4. That the area of the City of Troy bounded and described as follows shall be designated as a local historic district to be known as the First Street Historic District Extension:

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First Street from Division Street to Adams Street, more specifically bounded by Second Street Alley on the east from Division Street to Adams Street; then west along Adams Street to First Street Alley; then north along 1<sup>st</sup> Street Alley to Liberty Street, but excluding the parking lot at 139-145 First Street and excluding the park/parking lot at 185-197 First Street; then east along Liberty Street to first Street; then north along First Street to Division Street; then east along Division Street to Second Street Alley.

Reference Map: Map entitled "city of Troy, NY 2004 Local Historic District Designations Map", prepared by and on file with the City of Troy Planning Dept., February 2004.

Approved as to form, May 12, 2004

John P. Hicks, Corporation Counsel

**ORDINANCE NO. 5 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 6**

**INTRODUCED BY: COUNCIL MEMBER DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**ORDINANCE AMENDING THE 2004 CITY BUDGET TO AUTHORIZE THE TRANSFER OF FUNDS  
TO MODIFY APPROPRIATIONS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2004 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled

Comprehensive Interim Budget Amendment

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, May 14, 2004

John Hicks, Corporation Counsel

**ORDINANCE NO. 6 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SCHEDULE "A" ATTACHED TO LEGISLATION - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 7**

**INTRODUCED BY: COUNCIL MEMBER JUDGE**

**SECONDED BY: COUNCIL MEMBER KROGH**

**ORDINANCE APPROPRIATING FUNDS FOR THE MEMORIAL AND FLAG DAY PARADES AND  
UNCLE SAM DAY PARADE**

The City of Troy, in City Council convened, ordains as follows:

The City Council hereby authorizes the expenditure of \$10,500 from General Fund Code A7150-432-0000 for the purposes of supporting the Memorial Day and Flag Day Parades.

Funds allocated are as follows:

Memorial Day Parade	\$2,500
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Flag Day Parade	\$8,000
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These funds are being allocated in support and recognition of our United States Veterans and American Flag.

Approved as to form, May 25, 2004

John P. Hicks, Corporation Counsel

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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**ORDINANCE NO. 7 PASSED - UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04  
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 1**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FUNDS FROM THE  
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (Powers  
Park and 111<sup>th</sup> St. Riverfront Park)**

BE IT RESOLVED that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized and directed to file an application for funds from the New York State office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection act of 1993, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City for improvements to Powers Park, a pedestrian link across 2<sup>nd</sup> Avenue, and for development of a riverfront park at the City-owned 111<sup>th</sup> Street and 1<sup>st</sup> Avenue Site.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 1 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04  
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 2**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FUNDS FROM THE  
HUDSON RIVER VALLEY GREENWAY WATER TRAIL GRANT PROGRAM**

BE IT RESOLVED that the City-owned property at 111<sup>th</sup> Street and 1<sup>st</sup> Avenue along the Hudson River be hereby submitted for designation as a Hudson River Valley Greenway Water Trail site, and

BE IT RESOLVED that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized to file an application for funds from the Hudson River Valley Greenway Water Trail Grant Program, in accordance with the provisions of the program, and in an amount not to exceed \$10,000, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the City for construction of waterfront access, a hand launch boat facility, and related work at the City-owned 111<sup>th</sup> Street and 1<sup>st</sup> Avenue waterfront property.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 2 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04  
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 3**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURANHIAN**

**SECONDED BY: COUNCIL MEMBER WOJCIK**

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FUNDS FROM THE  
HUDSON RIVER VALLEY GREENWAY TRAIL GRANT PROGRAM**

BE IT RESOLVED that the City-owned property at 123<sup>rd</sup> Street and 1<sup>st</sup> Avenue along the Hudson River be hereby submitted for designation as a Hudson River Valley Greenway Water Trail site, and

BE IT RESOLVED that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized to file an application for funds from the Hudson River Valley Greenway Water Trail Grant Program, in accordance with the provisions of the program, and in an amount not to exceed \$10,000, and upon approval of said request, to enter into and execute a project

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agreement with the State for such financial assistance to the City for construction of waterfront access, a hand launch boat facility, and related work at the City-owned 123<sup>rd</sup> Street Boat Launch and Park property.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 3 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 4**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER ARMET**

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FUNDS FROM THE  
HUDSON RIVER GREENWAY CONSERVANCY PROJECT GRANT PROGRAM**

BE IT RESOLVED that the City-owned Uncle Sam Bikeway and the connector route along Middleburgh Street to River Street be hereby submitted for designation as a Hudson River Valley Greenway Trail, and

BE IT RESOLVED, that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized to file an application for funds from the Hudson River Valley Greenway Conservancy Project Grant Program, in accordance with the provisions of the program, and in an amount not to exceed \$10,000, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the City for construction of improvements to create a connector bike trail along Middleburgh Street between the Uncle Sam Bikeway and the designate River Street bike route.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 4 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 5**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER MESSICK**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIVE (5) YEAR INTER-  
MUNICIPAL AGREEMENT WITH THE TOWN OF COLONIE FOR SOLID WASTE DISPOSAL  
SERVICES PURSUANT TO THE AGREEMENT ANNEXED HERETO**

BE IT RESOLVED that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized and directed to enter into a five (5) year inter-municipal agreement with the Town of Colonie for solid waste disposal services.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 5 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 6**

**INTRODUCED BY: COUNCIL MEMBER DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER ARMET**

**RESOLUTION APPOINTING COMMISSIONERS OF DEEDS**

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing June 3, 2004 through June 2, 2006:

Michael D. Hanft  
Ellin Liberty  
Carol Short

1 Tracey Court  
1600 Seventh Avenue  
1600 Seventh Avenue

**REGULAR MEETING  
CITY COUNCIL**

**JUNE 3, 2004**

David Cunningham	2207 Fourteenth Street
Vincent Jimino	300 Sixth Avenue
Rel Teta	5 Biscayne Boulevard
Phillip Spiak	15 Mazaway Avenue
Robin Hansen	105 Third Street
Andrea Sandholt	654 – 4 <sup>th</sup> Street
Bill Pascarell	3 Hill Street
Timothy McDonough	932 3 <sup>rd</sup> Avenue
M. Lynne Mahoney	2707 15 <sup>th</sup> Street
Stanley P. Duda	61 Wynantskill Way
Karen R. Kotlow	7 Wesley Place, Voorheesville, NY 12186
Andrew Kotlow	7 Wesley Place, Voorheesville, NY 12186
Karen A. Bush-Basile	381 Northern Blvd., Albany, NY 12204

Approved as to form, June 4, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 6 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 7**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**RESOLUTION PROVIDING FOR THE IMPOSITION OF A CHARGE TO BE ADDED TO ANY  
ACCOUNT OWING TO THE CITY OF TROY WHERE A TENDERED PAYMENT OF SUCH  
ACCOUNT WAS BY CHECK OR OTHER WRITTEN ORDER WHICH WAS RETURNED FOR  
INSUFFICIENT OR UNCOLLECTED FUNDS**

Whereas, Section 85 of the General Municipal Law authorizes the governing body of a municipal corporation to provide for the imposition of a charge to be added to any account owing to the municipal corporation where tendered payment of such account was by check or other written order which was returned uncollectable; and

Whereas, Section 85 of the General Municipal Law further provides that whenever the account owing to the municipal corporation is for a tax, special ad valorem levy or special assessment, the charge so authorized shall be included on whatever list of delinquent accounts is prepared for enforcement of the lien; and

Whereas, Section 85 of the General Municipal Law further provides that said charge shall be collected in the same manner prescribed by law for the collection of the account for which the check is tendered and that future payments may be required to be tendered in cash, certified or cashier's check; now therefore be it

Be it resolved that the City of Troy, New York provides for the imposition of a **TWENTY-FIVE DOLLAR** charge to be added to any account owing to the municipal corporation where tendered payment of such account was by check or other written order which was returned uncollectable; and be it further

Resolved, that whenever the account owing to the municipal corporation is for a tax, special ad valorem levy or special assessment, the charge so authorized shall be included on whatever list of delinquent accounts is prepared for enforcement of the lien; and be it further

Resolved, that said charge shall be collected in the same manner prescribed by law for the collection of the account for which the check is tendered and that future payments to the City of Troy may be required to be tendered in cash, certified or cashier's check at the discretion of the City Comptroller.

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 7 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION



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**REGULAR MEETING**  
**CITY COUNCIL**  
**JUNE 3, 2004**

**RESOLUTION NO. 8**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AMENDMENTS TO ONE-YEAR ACTION PLANS (OYAPS) TO HUD TO REALLOCATE HOME PROGRAM FUNDS AND AUTHORIZING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO OBTAIN HUD'S APPROVAL OF THE AMENDMENT (S)**

BE IT RESOLVED that Harry J. Tutunjian, as Mayor of the City of Troy, is hereby authorized and directed to sign any and all documents necessary to obtain the HUD'S approval of the amendment(s).

Approved as to form, May 14, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 8 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 9**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: ALL MEMBERS**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ORDER ON CONSENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has alleged that between February 2000 and December 2003, the City of Troy violated Article 17, Title 8 of the Environmental Conservation Law, in that it exceeded the limits of and failed to comply with the terms and conditions of its State Pollutant Discharge Elimination System Permit issued for the Troy Water Filtration Plant; and,

WHEREAS, NYSDEC has commenced an action against the City of Troy by the filing of a Notice of Hearing and Complaint which seeks the implementation of a remedial plan to correct the violations and the assessment of Eighteen Thousand Dollars in penalty; and,

WHEREAS, the City of Troy and NYSDEC have negotiated the outstanding issues set forth in the Notice of Hearing and Complaint and have reached an agreement on a schedule of compliance so as to implement corrective actions and have also reached agreement on the assessment of a penalty in the amount of Eighteen Thousand Dollars, Fifteen Thousand Dollars of which shall be suspended upon the timely implementation of a remedial plan and Three Thousand Dollars of which shall be paid to NYSDEC; and

WHEREAS, the implementation of the remedial plan and assessment of penalty is set forth in a document entitled "Order on Consent" which has been negotiated with NYSDEC and the City of Troy and is attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED that the Mayor, on behalf of the City of Troy is herein authorized to execute the Order on Consent with the NYSDEC implementing a schedule of compliance at the Troy Water Filtration Plant and the payment of Three Thousand Dollars as a penalty.

Approved as to form, May 7, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 9 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 10**

**INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN**

**SECONDED BY: COUNCIL MEMBER COLLIER**

**RESOLUTION OF THE CITY COUNCIL DISAPPROVING THE ESTABLISHMENT OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (BID)**

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WHEREAS, Resolution Number 11 passed by the Common Council on December 4, 2003 authorized the preparation of a district plan on which the establishment of a Business Improvement District would be based and which plan has been completed and filed in the City Clerk's Office, and

WHEREAS, said plan was made available for public inspection in the Office of the City Clerk during normal office hours, said office being located at First Floor, City Hall, Troy, New York, and be it further, and

WHEREAS, a public hearing was conducted on April 14, 2004 at 7:00 p.m., by the City Council in the City Council Chambers, Second Floor, City Hall, as the place at which all persons interested were publicly heard upon the BID, and

WHEREAS, written objections to the establishment of the proposed district from owners of real property, deemed benefited and within the proposed district were filed in the Office of the City Clerk, on forms provided by said clerk, within thirty days of the conclusion of the public hearing, and

WHEREAS, written objections from the following people were properly filed within the prescribed time limit, and the results, as certified by the City Clerk are annexed hereto as Exhibit "A" were as follows:

- A. 15% of the assessed valuation of owners of real property within the BID area voted not to accept the BID.
- B. 22% of the owners of benefited real property within the BID area voted not to adopt the BID.

and,

WHEREAS, the City Council, pursuant to § 980-f(a)(4) of the General Municipal Law deems the establishment of the BID not to be in the public interest of the City of Troy,

NOW THEREFORE, BE IT RESOLVED, that the establishment of a Business Improvement District be denied and that no plan for the establishment of a BID may be prepared until the expiration of at least one year from the date of this disapproval and

BE IT FURTHER RESOLVED, that the reasons for this determination are included by not limited to the following:

The City Council believes the establishment of a BID is not in the public interest of the citizens of Troy. It would create in a discriminatory manner an increased tax burden on certain property owners. The Council, at the public hearing, heard overwhelming opposition to the creation of the BID. In addition, the Council feels that the voting process, as followed by statute, was unfair and undemocratic to the citizenry. The Council also believes that the plan submitted by the sponsors is inadequate. Although the Council is not opposed in concept to the creation of a BID, it feels that this particular proposal is not acceptable and is not in the public interest.

Approved as to form, June 1, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 10 - FAILED**

**AYES: 2 (DERGURAHIAN/COLLIER)**

**NOES: 6 (ARMET, WOJCIK, MAHONEY, JUDGE, DUNNE & KROGH)**

**ABSTENTION: 1 (MESSICK)**

**RESOLUTION NO. 11**

**INTRODUCED BY: COUNCIL MEMBER COLLIER**

**SECONDED BY: COUNCIL MEMBER KROGH**

**RESOLUTION AUTHORIZING APPLICATION TO THE NEW YORK STATE DEPARTMENT OF  
STATE BROWNFIELD OPPORTUNITY AREA PROGRAM**

BE IT RESOLVED that the Mayor, on behalf of the City of Troy is herein authorized and directed to file an application of funds from the New York State Department of State in accordance with the provisions of the Brownfield Opportunity Area Program, in an amount not to exceed \$300,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Troy; and

**REGULAR MEETING  
CITY COUNCIL  
JUNE 3, 2004**

BE IT FURTHER RESOLVED that the Mayor, on behalf of the City of Troy be authorized to execute any and all documents necessary to effect the application for said funds.

Approved as to form, June 3, 2004

John P. Hicks, Corporation Counsel

**RESOLUTION NO. 11 PASSED – UNANIMOUS**

To Mayor, 6/8/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION